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Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Urmila Bhoola

Addendum

Mission to the Niger*

Summary

In the present report, the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Urmila Bhoola, presents her main findings from her country visit to the Niger, conducted from 11 to 21 November 2014. After an analysis of the country's legal, institutional and policy framework, the Special Rapporteur highlights the major issues of concern for her mandate, including descent-based slavery, the practice known as *wahaya*, child marriage, the worst forms of child labour and domestic servitude. While commending the criminalization of slavery in 2003 and acknowledging the Government's commitment to eradicating slavery and slavery-like practices, the Special Rapporteur points to a number of challenges the Government faces to address effectively the root causes of slavery, including poverty, inequality and customary norms that cause widespread discrimination against former slaves and their descendants and undermine efforts to create alternative livelihoods. She concludes with some key recommendations to assist the Government in intensifying its efforts, with the support of national and international partners, to improve the coordination and streamlining of anti-slavery efforts, ensure effective law enforcement, increase access to justice and enhance victim protection and empowerment.

* The summary of the present report is circulated in all official languages. The report itself, which is annexed to the summary, is circulated in the language of submission and French only.

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Annex

[English and French only]

Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Urmila Bhoola, on her mission to the Niger (11–21 November 2014)

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I. Introduction

1. Pursuant to the mandate conferred by the Human Rights Council in its resolution 24/3, the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Urmila Bhoola, conducted an official visit to the Niger from 11 to 21 November 2014. She is thankful to the Government of the Niger for extending an invitation to her and for its support in the preparation and conduct of the visit.

2. The Special Rapporteur is grateful to the Prime Minister, the Minister of Justice and several other ministers and senior government representatives, as well as representatives of the National Assembly and the judicial branch and law enforcement authorities at various levels with whom she met. She also wishes to thank the other stakeholders, including the National Human Rights Commission, religious leaders and traditional chiefs, local and international non-governmental organizations (NGOs), labour unions, academics, researchers, members of the diplomatic community and the United Nations country team, for their time and for the extensive support provided.

3. The Special Rapporteur held meetings in Niamey and in the regions of Tillabéry and Tahoua. She met with residents in the villages of Gountou Koira, Zongo Ablo, Mbanga, Tajaé and Aroki and is indebted to everyone who shared their experiences with her. She wishes to reiterate her thanks to the United Nations Resident Coordinator and his team, in particular the National Human Rights Officer, for coordinating and facilitating the visit.

4. The Special Rapporteur attaches great importance to the constructive spirit in which her visit was received and extends to the Government her continued support for engagement on the issues raised in the present report.

II. Background

5. Historically, slavery existed in almost all the regions that now comprise the Niger[1] and was practised by all the main ethnic groups. Following French colonization, the colonial administration initially collaborated with traditional chiefs to supply slaves for the transatlantic trade. In 1905, the administration officially abolished the slave trade in the territory of French West Africa.[2] Legislation was complied with primarily in the sedentary regions in the south, while slavery continued to be practised in the nomadic regions in the north, where few Tuareg chiefs were ever forced to comply.[3]

6. After the Niger gained independence on 3 August 1960, slavery continued as a result of the power exercised by traditional chiefs, who were allies of the political leadership and

[1] The Niger is divided into eight regions: Agadez, Diffa, Dosso, Maradi, Tahoua, Tillabéry, Zinder and Niamey capital district.

[2] Colonial decree of 12 December, modified by the decree of 8 August 1920 on the abolition of the slave trade in French Equatorial Africa. Forced labour was legally abolished by the colonial administration in Act No. 46-0645 of 11 April 1946 (Galy Kadir Abdelkader, ed., "Slavery in Niger – historical, legal and contemporary perspectives" (Anti-Slavery International and Association Timidria, 2004), pp. 42 and 48).

[3] Ali R. Sékou and Saidou Abdoulkarimou, "The legacy of slavery in Niger", in Beate Andrees and Patrick Belser, eds., *Forced Labor: Coercion and Exploitation in the Private Economy* (2009), pp. 72–73.

retained their roles as enforcers of customary law, and the authorities remained silent on the issue for a long time.[4]

III. Normative and institutional framework

A. International legal framework

7. The Niger is party to most of the core human rights instruments and almost all of their optional protocols.[5]

8. When the Niger ratified the Convention on the Elimination of All Forms of Discrimination against Women it did so with reservations,[6] citing existing customs and practices. The Committee on the Elimination of Discrimination against Women has called on the State to withdraw its reservations, to eliminate negative cultural practices and stereotypes that are harmful to and discriminate against women and to promote full enjoyment of women's human rights (CEDAW/C/NER/CO/2). The Special Rapporteur endorses the Committee's recommendations, since it is clear that gender-based discrimination and inequality are among the root causes of contemporary forms of slavery affecting women and girls.

9. The Niger is party to the 1926 Slavery Convention and the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery. It has also ratified the following international instruments prohibiting contemporary forms of slavery: the International Labour Organization (ILO) Forced Labour Convention, 1930 (No. 29), the ILO Abolition of Forced Labour Convention, 1957 (No. 105), the ILO Minimum Age Convention, 1973 (No. 138), the ILO Worst Forms of Child Labour Convention, 1999 (No. 182) and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (the Palermo Protocol). After the Special Rapporteur's visit, the Niger became the first country to ratify the Protocol of 2014 to the Forced Labour Convention, 1930 (No. 29), on 14 May 2015.

B. Regional legal framework

10. The Niger has ratified the African Charter on Human and Peoples' Rights, which, in its article 5, provides for the prohibition of "all forms of exploitation and degradation of man", including, in particular, slavery and the slave trade. It is party to the African Charter on the Rights and Welfare of the Child and a signatory of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.

11. The most recent periodic report that the Niger submitted to the African Commission on Human and Peoples' Rights, covering the period from 2003 to 2014, was considered in April 2015.

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[4] Abdelkader, "Slavery in Niger", pp. 54 and 57.

[5] The Niger signed the International Convention for the Protection of All Persons from Enforced Disappearance in 2007 but has not yet ratified it. Likewise, it has not ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

[6] Including to articles 2 (d) and (f), 5 (a), 15 (4) and 16 (1) (c), (e) and (g).

12. In 2008 the Court of Justice of the Economic Community of West African States (ECOWAS)[7] held the Niger liable for administrative and judicial inaction that had resulted in the enslavement of Hadijatou Mani Koraou.[8] When she was 12 years old, Ms. Koraou had been sold to a 46-year-old man by a representative of her mother's owner, for the sum of 240,000 CFA francs. She was kept as the man's *wahaya*[9] for nine years before being liberated in 2005. She sought redress in the domestic courts, to no avail, but, with support from the Association Timidria and Anti-Slavery International, brought a claim to the ECOWAS Court. The Court found that she was entitled to reparations given that the Niger had failed to fulfil its international and regional human rights obligations prohibiting slavery. The Niger was ordered to pay her compensation in the amount of 10,000,000 CFA francs. Ms. Koraou also claimed that she had been a victim of discrimination based on gender and social origin; while the court found the argument valid, it attributed the discrimination to the former master, not to the State.

C. National legal, institutional and policy framework

Legislation

13. The 1999 Constitution was the first to explicitly prohibit slavery, and the 2010 Constitution reaffirmed the right of citizens to be free from slavery (art. 14) and enshrined equality before the law without distinction on grounds of sex and social, racial, ethnic or religious origin (art. 8).

14. However, it was only in 2003 that the Criminal Code (Act No. 61-027 of 15 July 1961) was amended by the introduction of penalties for slavery.[10] Article 270.1 contains a definition of slavery, in line with the Slavery Convention, as the status or condition of a person over whom any or all the powers attaching to the right of ownership are exercised. The Code refers to "a person of servile status", drawing partially from the definitions of institutions and practices similar to slavery included in the Supplementary Convention on the Abolition of Slavery.

15. The Code distinguishes between slavery as a crime and offences related to slavery. The crime of slavery is defined as reducing others to slavery or inciting others to alienate someone's freedom or dignity or that of their dependents to reduce them to slavery (art. 270.2) and is punishable by imprisonment of between 10 and 30 years and a fine of between 1 million and 5 million CFA francs.[11] The same punishment applies where the master or his accomplice engages in sexual intercourse with a woman considered a slave or the wife of a man considered a slave or puts at the disposal of another person a woman considered a slave for the purpose of sexual intercourse.

16. The offence of slavery attracts a lesser penalty[12] and is defined under article 270.3 as any violation of the physical or moral integrity of a person because of his or her servile status, any degrading, inhuman or humiliating treatment of such a person; any act, on the part of a master, of receiving the fruits and revenue from the prostitution of a woman of servile status or from the labour of any person of servile status; the extortion of money from and blackmailing of a person of servile status; any act by a master of receiving a tribute

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[7] The Niger is a member of ECOWAS and the African Union.

[8] See *Koraou* v. *The Republic of Niger*, Judgement No. ECW/CCJ/JUD/06/08 of 27 October 2008.

[9] See sect. V.

[10] See Act No. 2003-025 of 13 June, book II, part III, chap. VI, sect. II bis.

[11] The same penalty applies for complicity and attempt.

[12] From 5 to less than 10 years of imprisonment and a fine of 500,000 to 1 million CFA francs (art. 270.4).

from a person because of the right of ownership exercised over that person; and the kidnapping of so-called slave children in order to put them in servitude.

17. A key provision giving effect to access to justice for victims of slavery is article 270.5 of the Criminal Code, in accordance with which locus standi can be granted for any association duly registered at least one year before the occurrence of the acts concerned and mandated by its statutes to fight against slavery or similar practices. Such associations are authorized to bring civil action to obtain compensation for damages caused. This has resulted in the development of anti-slavery jurisprudence, as NGOs have been able to represent claimants in court proceedings.

18. Another significant development is the passing of Ordinance No. 2010-86 of 16 December 2010, which is aimed at combating trafficking in persons in accordance with the Palermo Protocol and provides for penalties of 5 to 10 years of imprisonment and a fine of between 500,000 and 5 million CFA francs (art. 10). While slavery and certain institutions and practices similar to slavery are referred to in the Ordinance (debt bondage, serfdom and wife inheritance), they are covered only in relation to human trafficking.

19. The Niger has also amended its Labour Code (by Act No. 2012-45 of 25 September 2012) to provide further legal protection from contemporary forms of slavery. Article 4 prohibits forced or compulsory labour, rendering it punishable by a fine of 500,000 to 2 million CFA francs and/or imprisonment of two to five years (see art. 337 of the Code). In relation to labour rights, article 5 prohibits any discrimination based on, inter alia, sex, age, national origin, race, religion, colour, political or religious opinion, social origin or disability.

20. The Labour Code also prohibits the worst forms of child labour, defines them in line with ILO Convention No. 182 (art. 107) and sets the minimum age for work, except in the case of derogation granted by decree, at 14 (art. 106). However, Decree No. 67-126/MFP/T of 7 September 1967 allows for children from the age of 16 to be employed in certain types of hazardous work, which is in conflict with international standards permitting hazardous work only from the age of 18. The Labour Code provides for severe penalties for violations of the prohibition of the worst forms of child labour.[13]

Institutions

21. The National Human Rights Commission was established by Law No. 2012-44 of 24 August 2012. The Commission is mandated to address slavery and has investigated slavery-related complaints.

22. The National Commission for the Coordination of the Fight against Trafficking in Persons and the National Agency for Combating Trafficking in Persons, both under the authority of the Minister of Justice, and a special compensation fund for victims to be established by decree, were created by Ordinance No. 2010-86.

23. The national coordination commission includes representatives of ministries, civil society organizations, the National Human Rights Commission, traditional chiefs, the Bar and the Chamber of Notaries, and is tasked with elaborating policies and programmes related to the prevention of trafficking of persons.[14] It created the National Anti-Trafficking Action Plan (2014–2018) and conducted an exercise in an attempt to prioritize its efforts to eradicate contemporary forms of slavery using two criteria: negative impact on human rights and the visibility of the phenomenon. That resulted in the following priority focus

[13] Fine of 5 million to 10 million CFA francs and/or imprisonment of two to five years (art. 343).

[14] See Decree No. 2012-082/PRN/MJ of 21 March 2012.

areas: exploitative begging, the practice of *wahaya*, domestic servitude, exploitation of prostitution, traditional slavery, child forced labour, forced marriage, trafficking in migrants and trafficking in babies.

24. The National Agency for Combating Trafficking in Persons serves as the secretariat of the national coordination commission and is tasked with delivering and implementing the action plan and conducting awareness-raising campaigns.[15] The adoption of the decree on the establishment of the compensation fund that is to be managed by the Agency is pending owing to, among other things, the lack of funding.

25. The labour inspectorate, under the Ministry of Employment, Labour and Social Protection, plays a key role in enforcing the Labour Code. The Special Rapporteur was informed that the Ministry was in the process of adopting administrative regulations to increase the powers and resources of the inspectorate beyond the current eight regional inspectorates. The enhancement of capacities is especially relevant in terms of inspections in the informal sector, where inspectors could intervene but a lack of resources prevent them from doing so.

26. The Central Service for the Protection of Juveniles and Women was established in the national police (by Order No. 0045MI/S/D/AR/DGPN of 28 January 2011) and has a double mandate of protection and enforcement relating to Ordinance No. 2010-86.

27. The creation of a public administrative body, the National Agency for Legal and Judicial Assistance,[16] to provide legal assistance for certain categories of vulnerable persons is important for increasing access to justice for victims of contemporary forms of slavery.

Policies and programmes

28. The multi-stakeholder National Committee to Combat the Vestiges of Forced Labour and Discrimination, formed under the Ministry of Labour in 2006 (by Order No. 0933/MFP/T), drafted in 2007 a five-year national action plan on combating forced labour and discrimination. However, the National Committee is no longer operational owing to a lack of resources, and the action plan, which was structured around three major areas, namely, reinforcement of the institutional framework, awareness-raising and the prevention of and fight against poverty, has not been implemented.

29. The National Anti-Trafficking Action Plan (2014–2018), adopted in July 2014, contains six strategic priorities: improving the judicial and institutional framework; strengthening policies and programmes for the prevention of human trafficking; promoting assistance and support for victims; strengthening law enforcement; strengthening cooperation and partnerships; and ensuring follow-up and evaluation. The Special Rapporteur was informed that the Plan was meant also to address traditional slavery. She wishes to note, however, that the modalities are not clearly defined and the Plan refers to slavery and slavery-like practices only when they are linked to human trafficking.

30. The National Action Plan to Combat the Worst Forms of Child Labour (2010–2015), which was reviewed and validated by ILO, was pending adoption at the time of the Special Rapporteur's visit. She learned about a lack of local ownership of the Plan, which had been drafted some time ago and had not been reviewed since.

31. The ILO Decent Work Country Programme for the Niger (2012–2015) has as one of its priority outcomes the ratification and effective application of international standards

[15] See Decree No. 2012-083/PRN/MJ of 21 March 2012.

[16] See Law No. 2011-42 of 14 December 2011.

concerning child labour, the strategy for which includes reinforcement of capacities of key stakeholders and the formulation of a national action plan.

32. The Niger has adopted a national action plan (2012–2015) for the implementation of the recommendations accepted during its first universal periodic review. It is divided into eight strategic thematic areas, including one on slavery and related practices. The follow-up to the action plan is coordinated by an interministerial committee under the supervision of the Minister of Justice.

IV. Descent-based slavery

33. Almost all of the interlocutors with whom the Special Rapporteur met said that slavery continued to exist in some ethnic communities in the Niger, where people were born into slavery, resulting in generations being owned by, and at the entire disposal of, their masters. It was, however, repeated on several occasions that the prevalence of slavery was difficult to estimate, since it was hidden and was practiced in closed family circles.

34. The Nigerien population of about 17.8 million[17] consists of eight major ethnolinguistic groups: Hausa, living mainly in the south of the country; Djerma-Songhai, predominantly in the south-west; Kanuri, Arabs and Toubou in the south-east and north-east; Tuareg in the north; Gourmantché in the west; and Fulani (Peul) throughout the territory.

35. There have been several attempts to determine the number of slaves in the Niger. The author of a study conducted in 2002 initially estimated their number at 870,363 but then, for methodological reasons, suggested the total was closer to 46,382.[18] An estimate from 2004 mentions 8,885 slaves, belonging primarily to Tuareg, Toubou and Fulani (Peul) groupings; 87 per cent were in rural areas, with a large majority living in the nomadic parts of the Niger.[19] The Special Rapporteur was also informed about a study conducted in 2008 by the National Committee on Human Rights and Fundamental Freedoms, the predecessor of the National Human Rights Commission, in which the Committee concluded that neither forced labour nor slavery existed in the Niger.[20]

36. Determining the prevalence of slavery in the Niger would require comprehensive research. However, the Special Rapporteur learned from her extensive consultations with various stakeholders that, despite being legally abolished, descent-based slavery continues to exist in Tuareg, Fulani (Peul), Toubou and Arab communities. Those societies are very hierarchical and dominated by powerful traditional chiefs, and the number of slaves still appears to determine the social status and the power of the masters.[21] The Tuareg community is considered the most highly socially stratified of the communities, its structure resembling that of the caste system, with the slaves at the bottom.

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[17] See http://data.worldbank.org/country/niger.

[18] Abdelkader, "Slavery in Niger", p. 88.

[19] The highest percentage was recorded in Tahoua, followed by Diffa, Tillabéry, Zinder, Maradi, Agadez and Dosso. See Moustapha Kadi Oumani, "Un tabou brisé: l'esclavage en Afrique – le cas du Niger" (Paris, L'Harmattan, 2005), pp. 219–225.

[20] In another study, the National Statistics Institute and ILO estimated that more than 59,000 adults were involved in forced labour, for the most part in domestic work (48.2 per cent) and in agriculture or stockbreeding (23.6 per cent). See National Statistics Institute and ILO, "Enquête nationale sur le travail des enfants au Niger (2009) – Volet : Travail forcé des adultes et des enfants (Rapport d'analyse)" (Niamey, 2011), p. 8.

[21] Sékou and Abdoulkarimou, "The legacy of slavery", pp. 78–79.

37. In those communities, slaves still live with their masters. They are at the entire disposal of the master and his family; in exchange, they are fed and clothed. They are often exposed to violence and treated as commodities — they can be sold, loaned or offered as a gift in marriage. Slaves are required to work long hours, mainly in agriculture, domestic work and cattle rearing, and are not paid. Children born to slaves inherit the slave status. They belong to their master, who decides their fate, including regarding schooling, and can even separate them from their parents. Slaves cannot receive an inheritance; when a slave dies, his or her property, albeit limited, belongs to the master.

38. That situation, as described to the Special Rapporteur by her interlocutors, is in line with slavery as defined in the Slavery Convention: the person is deprived of all human rights and is under the complete control of the master. A stark indicator of the continuation of slavery in the Niger is also the evidence presented in the ECOWAS Court case regarding the existence of certificates of liberation dated as recently as 2005.

39. The Special Rapporteur's attention was drawn to the predominant situation in the Niger today: that of former slaves and descendants of former slaves who do not live with their masters but remain tied to them and face social exclusion and violations of their human rights, including widespread descent-based discrimination.[22] That is referred to as "passive slavery" in the Niger and exists especially among sedentary groups, such as Djerma-Songhai.

40. The Special Rapporteur was informed of examples of such discrimination against former slaves and their descendants, including prohibitions preventing them from leading prayers, and obstacles to their active political participation, decision-making and ownership of land. Marriage between a person of slave ancestry and someone outside the community is still almost inexistent, and former slaves and their descendants are denied equal economic opportunities, have limited access to basic social services and are, in some cases, denied the right to education. The Special Rapporteur heard of cases where they were confined to a specific part of a village, and mention was even made of separate cemeteries.

41. In the Niger, the modern structures of local government coexist with the traditional structures administered by traditional chiefs.[23] The titles in the traditional communities are transferred hereditarily, which means that those of the higher social class continue to exercise authority, and former slaves and their descendants are excluded from decision-making processes that affect them.

42. Discrimination in land ownership also occurs. Given that the land was traditionally owned by the master and that land property rights are transferred through inheritance, former slaves and their descendants cannot own land. Owing to the lack of any alternative livelihood options, they are obliged to work on the land belonging to the former master and to provide a part of the harvest in return (as a tithe). The result is a situation of serfdom as defined in article 1 (b) of the Supplementary Convention.[24]

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[22] A similar situation affects those belonging to castes linked to certain professions, for example, blacksmiths, butchers and traditional musicians, who are also at the bottom of the highly stratified caste-based society. Discrimination on the grounds of descent, that is, against members of communities based on forms of social stratification such as caste and analogous systems of inherited status violates the International Convention on the Elimination of All Forms of Racial Discrimination. See general recommendation No. 29 (2002) on article 1 (1) of the Convention (Descent).

[23] Order No. 93-28 of 30 March 1993 on the status of traditional authority in the Niger.

[24] Article 1 (b) reads as follows: Serfdom, that is to say, the condition or status of a tenant who is by law, custom or agreement bound to live and labour on land belonging to another person and to render some determinate service to such other person, whether for reward or not, and is not free to change his status.

43. While pasture land is not privately owned and access to it is free, it is regulated by the individual ownership of watering points, especially wells, which leads to de facto ownership of the pasture by the well owner. Former slaves and their descendants do not have the means to sink wells and generally accept their status in order to have access to water.[25]

44. Civil law does not deny former slaves and their descendants land ownership. However, in Nigerien law, payment of tithes is viewed as an indicator that the land is owned by the party receiving the tithes, which are considered as rental payments. Thus, cases brought on behalf of former slaves or their descendants to claim ownership of land are almost impossible to win in the courts. Also, the role of traditional chiefs prevails in certain customary law disputes relating to the use of agricultural and pastoral lands.[26]

45. The Special Rapporteur learned about several such situations, including one in the village of Gountou Koira, Tillabéry region, which she visited. In that particular case, the court had ruled that by accepting the payment of tithes to the traditional chiefs, the villagers — descendants of slaves — had accepted their situation as serfs and had waived their right to claim ownership of the land.[27] They are currently living at the mercy of the land owners, who have allowed them to continue to cultivate the land upon payment of a tithe; the level of poverty in the village is particularly distressing.

46. While land owners in the case of Gountou Koira would not be willing to sell their land if it was going to be given to those of slave descent, in Tajaé, Tahoua region, the NGO Réagir dans le monde (RDM Tanafili) was successful in purchasing land from the former masters. The land was given to the descendants of slaves, who were also provided with assistance for their socioeconomic empowerment.

47. The Special Rapporteur heard of cases where people of slave descent had achieved economic and political success in urban areas. They were, however, still regarded as a part of the slave caste by the communities they originated from, which points to the inability to alter the inherited status. The Special Rapporteur was also informed of a case of a businessperson of slave descent who wanted to buy a piece of land in the region of Tillabéry, but the deal fell through when the land owner discovered the person's ancestry.

V. *Wahaya* practice

48. The *wahaya*[28] practice involves the purchase of one or more girls, usually of slave descent, under the guise of a fifth wife.

49. The ECOWAS Court, in its 2008 judgement, condemned *wahaya* as a form of slavery. The Court described it as a practice that consisted of acquiring a young girl, generally a slave, to work as a servant and as a concubine. According to the Court, in general, the *sadaka* does housework and is at the master's service. The master can, at any time, day or night, have sexual relations with her.[29] A *wahaya* is often subjected to

[25] Abdelkader, "Slavery in Niger", p. 72.

[26] Article 15 of Ordinance No. 93-28, as amended by Law No. 2008-22 of 23 June 2008, stipulates that "the traditional chief shall have the power of conciliation of parties in customary, civil and commercial matters. He shall rule according to custom on the use of agricultural and pastoral lands by families or individuals."

[27] The villagers were supported in their case by Timidria.

[28] Plural: *wahayu*; also called *sadaka*.

[29] *Koraou* v. *The Republic of Niger*. The Special Rapporteur met with Ms. Koraou, who explained that the charges of bigamy brought against her by her former master before domestic courts had been

additional forms of abuse and violence from the wives of the household, who see her as a competitor, especially if she has children with the master. Children born as a result of sexual relations with the master are considered legitimate and hence can inherit his property.[30]

50. The Special Rapporteur heard various views on the prevalence of the *wahaya* practice, ranging from the view that it no longer existed, to the more common belief that its existence was as widespread as before, but that it was practised covertly and portrayed as providing legitimate employment in domestic work, or even that *wahayu* are sometimes falsely claimed to be relatives.

51. Most *wahayu* come from the Tahoua region, are of slave descent and are sold when they are very young by Tuaregs, mainly to wealthy Hausa individuals, including some from Nigeria. A *wahaya* is usually sold by her master; in rare cases, she is sold by her own family. The Special Rapporteur learned that among 165 *wahayu* who had been interviewed for research purposes, 129 were of slave descent and more than 80 per cent had been sold before they had reached the age of 15.[31]

52. The Special Rapporteur obtained testimony from former *wahayu* and their descendants who currently reside in the village of Zongo Ablo, Tahoua region. The women displayed the heavy brass anklets they had been forced to wear to prevent them from escaping. They had had to leave their children when they fled, and some had not been able to trace them. Many former *wahayu* bear scars from the injuries inflicted by their former masters, and all of those who spoke with the Special Rapporteur reported having suffered severe physical hardship and all forms of abuse. With support from Timidria, many had acquired skills, such as mat weaving, to enable them to earn an income and provide for their families, although their earnings were insufficient.

53. Prosecutions for engaging in *wahaya* practice in the Niger have been rare. The Special Rapporteur was informed of only one conviction for *wahaya* as a crime of slavery: on 26 May 2014 the Assize Court of Birni N'Konni sentenced a 63-year-old perpetrator to four years in prison and a fine of 250,000 CFA francs. The court took account of the marriage between the parties subsequent to the initiation of the charges as a mitigating factor, as well as the victim's failure to file a civil action. It also reduced the accused's sentence for time served awaiting trial, a decision that was perceived as condoning the crime.

VI. Other issues of concern

A. Child marriage

54. The Niger has the highest proportion of child marriage in the world: about 75 per cent of girls under 18 are married. Child marriage is more frequent in southern regions and among girls who are the least educated, poorest and living in rural areas.[32]

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formally withdrawn and all legal proceedings in domestic courts had been terminated.

[30] Galy Kadir Abdelkader and Moussa Zangaou, "Wahaya: domestic and sexual slavery in Niger", (Anti-Slavery International and Timidria), p. 7.

[31] Ibid., pp. 5–6.

[32] The percentage of women aged 20 to 24 who were married by the age of 18 is highest in the regions of Diffa (89 per cent), Zinder (88 per cent), Maradi (87 per cent) and Tahoua (83 per cent), followed by Dosso (74 per cent), Tillabéry (69 per cent), Agadez (48 per cent) and Niamey (28 per cent). See United Nations Population Fund, "Child marriage profiles: Niger", available from www.devinfo.info/mdg5b/profiles/files/profiles/4/Child_Marriage_Country_Profile_AFRNER_Niger.pdf.

55. The inequality in the minimum legal age for marriage in the Civil Code, which is set at 15 for girls and at 18 for boys (art. 144), constitutes direct discrimination against girls. While article 146 of the Civil Code stipulates that consent is essential for a marriage, article 148 permits the marriage of a girl with parental consent, effectively legalizing child marriage. For marriages entered into under customary law, there is no consent requirement nor is there any legal marriageable age.

56. In addition to having an adverse impact on the enjoyment by girls and women of their human rights, child marriage constitutes forced marriage, since the child is not in a position to provide informed consent. The Supplementary Convention defines three forms of servile marriage as an institution or practice similar to slavery (art. 1 (c)), and these marriages would in certain circumstances even meet the international legal definition of slavery. Other slavery-like practices linked to servile marriage are domestic servitude and sexual slavery (see A/HRC/21/41 and Corr.1, paras. 13, 14 and 17).[33]

57. Government representatives whom the Special Rapporteur met were aware of the high prevalence of child marriage and indicated that legislative reforms had been proposed to end it, including through a draft law to protect girls of school age. Owing to resistance based on customs and religious and traditional beliefs, no progress has been made on adopting that legislation or addressing the issue as a human rights violation.

58. The Ministry of Population, Advancement of Women and Protection of Children has conducted advocacy and awareness-raising programmes (for example, "schools for husbands"), including on the risks that are consequent upon child marriage, such as high maternal and infant morbidity and mortality rates and negative effects on sexual and reproductive health. It conducted a pilot programme in the Tillabéry region, which has reportedly had positive results, to raise awareness in the community about the negative effects of child marriage. The Ministry was also making progress in enlisting the support of some traditional chiefs and religious leaders in denouncing child and forced marriage.

B. Worst forms of child labour

59. The Special Rapporteur was informed that, although progress had been made in addressing the phenomenon, the prevalence of child labour in the Niger was still high, and children were engaged in the worst forms of child labour, particularly in agriculture and domestic work and to some extent in artisanal gold mines and quarries and salt and gypsum mines.

60. According to the 2009 national survey on child labour in the Niger, an estimated 50.4 per cent of children between the ages of 5 and 17 were economically active, with child labour more significant in rural areas and among girls. Furthermore, 83.4 per cent of those economically active children were engaged in forms of child labour prohibited by ILO Convention No. 182. Of those, 61.8 per cent performed their work under hazardous conditions.[34]

61. Among the worst forms of child labour, one of the most prevalent in the Niger is forced begging. It arises where children, mainly boys, known as *talibés*, are sent by families to religious teachers (marabouts) for the purpose of Koranic instruction. Marabouts receive no financial contribution from the families, and *talibés* are required to beg in the streets for alms to learn humility as part of their education. That, however, has in some cases evolved

[33] See also Anti-Slavery International, "Out of the shadows: child marriage and slavery" (2013).

[34] National Statistics Institute and ILO, *Rapport de l'Enquête nationale sur le travail des enfants au Niger de 2009* (Niamey, 2011), p. xi.

into a practice of forced begging wherein children are required to beg for money for long hours, receive very little or no education, and are often beaten, not properly fed and abused for raising insufficient money. Moreover, the Special Rapporteur also received reports of marabouts "renting" *talibés* to work in gold mines. Some *talibés* flee the situation and end up living on the street, which increases their exposure to further human rights violations.

62. The Government has acknowledged that the number of street children in the urban areas, particularly in Niamey, has reached alarming proportions. According to a report published in 2011 by a collective of human rights organizations (Collectif des organisations de défense des droits de l'homme et de la démocratie), there were more than 11,000 street children in the Niger.[35] To tackle the situation, the National Committee to Combat the Phenomenon of Street Children was established under the Ministry of Population, Advancement of Women and Protection of Children, by Order No. 09/MPF/PE of 30 April 2007, but the Committee is no longer operational.

63. In addition to violating ILO standards, forced child begging, like other worst forms of child labour, can violate the prohibition on delivering a child for exploitation set out in the 1956 Supplementary Convention, when there is an element of intent on the part of parents or guardians,[36] and can also amount to slavery. The economic exploitation of children is also explicitly prohibited by the Convention on the Rights of the Child (art. 32 (1)) and forced child begging also violates a number of other rights under that Convention.

64. The Special Rapporteur was not informed of any convictions in relation to the worst forms of child labour, despite penalties provided for under the Labour Code. Similarly, no marabout has been convicted for forcing children to beg, despite the clear definition of forced child begging as a crime under article 181 of the Criminal Code.[37]

65. The Ministry of Employment, Labour and Social Protection informed the Special Rapporteur that over a period of 12 years 15,000 children had been removed from the worst forms of child labour and rehabilitated with the support of NGOs. The projects under the International Programme on the Elimination of Child Labour of ILO have helped to extricate children from the artisanal gold mining industry and enrol them in newly built schools, for example in Mbanga, in the Tillabéry region, which the Special Rapporteur visited with the support of the Association pour la lutte contre le travail des enfants au Niger (ALTEN).

66. The Special Rapporteur learned about the positive results of a government pilot programme in Diffa region where *talibés* were learning the Koran in the community rather than being removed from it. Some efforts have been made to formalize Koranic teaching, and the National Anti-Trafficking Action Plan envisages measures to further reinforce the regulation of Koranic schools. The Special Rapporteur was encouraged to hear that the strategic plan of the National Human Rights Commission (2014–2017) provides for a study that will hopefully shed more light on the *talibé* phenomenon.

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[35] Niger, "Combined periodic report of the Republic of Niger, 2003–2014", submitted to the African Commission on Human and Peoples' Rights, para. 388. Available from www.achpr.org/files/sessions/16th-eo/state-reports/2-2003-2014/periodic_report_2003_2014_eng.pdf.

[36] Article 1 (d): Any institution or practice whereby a child or young person under the age of 18 years, is delivered by either or both of his natural parents or by his guardian to another person, whether for reward or not, with a view to the exploitation of the child or young person or of his labour.

[37] Article 181: Parents of children under eighteen years who habitually engage in begging, all those who have invited children to beg or who knowingly profited from this, shall be punished by imprisonment of six months to a year.

C. Domestic servitude

67. The above-mentioned national survey on child labour in the Niger showed that most economically active children are engaged in domestic work (58.2 per cent), with the percentage even higher for children between the ages of 5 and 11 (65.5 per cent).[38] According to information obtained by the Special Rapporteur, those employed in domestic work in the Niger are mainly girls from rural areas within the country who go to cities to escape poverty, but girls from neighbouring countries (Benin, Mali and Togo) are also involved.

68. The Special Rapporteur is concerned about the high number of children in domestic work, especially since its specificities make those employed in the sector particularly vulnerable to economic exploitation, abuse and, in extreme cases, subjugation to domestic servitude and domestic slavery (see A/HRC/15/20, para. 16).

69. The findings of the Special Rapporteur in the Niger confirm this. Domestic workers are often subjected to physical, verbal and sexual abuse and discrimination, are paid very little if at all (sometimes under the pretext that the money would be sent to their families directly), work long days, can be physically and socially isolated and have no weekly rest period or vacations. Sometimes they are held in debt bondage by their recruiters and/or employers. Women and girls, who predominate in this sector, suffer additional gender-based violence.

70. The Special Rapporteur is concerned that domestic work in the Niger is not regulated by legislation. The Government has, however, informed the Special Rapporteur about the steps taken to ratify the ILO Domestic Workers Convention, 2011 (No. 189).

VII. Root causes of slavery

A. Poverty and lack of alternative livelihoods

71. The Niger is one of the world's poorest countries and has consistently ranked low on the human development index of the United Nations Development Programme — in 2014 it ranked last among 187 countries. In 2011, 48.2 per cent of the population lived in poverty, with women representing three out of four poor people.[39]

72. Endemic poverty and food insecurity, linked to the practice of subsistence agriculture and a strong dependency on environmental influences, are important push factors for contemporary forms of slavery. They also make those subjected to slavery and slavery-like practices more likely to accept their fates because of a lack of economic alternatives and means of survival, hence perpetuating slavery.

73. The Special Rapporteur learned about a large number of refugees in the Niger, mainly Malians, Nigerians and returnees,[40] and is concerned about their specific vulnerability to contemporary forms of slavery.

[38] National Statistics Institute and ILO, *Rapport de L'Enquête nationale*, pp. xi and 29.

[39] National Statistics Institute, "Le Niger en chiffres 2014". Available from www.stat-niger.org/statistique/file/Affiches_Depliants/Nigerenchiffres2014def.pdf.

[40] Citizens of the Niger who were living in Nigeria and have fled the conflict in north-eastern Nigeria. See Office of the United Nations High Commissioner for Refugees, "2015 UNHCR country operations profile – Niger". Available from www.unhcr.org/pages/49e484ce6.html.

74. The Special Rapporteur also heard reports of people who chose to be known as former slaves because they could claim a portion of food and gifts intended for slaves at wedding and christening ceremonies in the former master's household. This reflects the mindset of subjugation and arises from the destruction of human dignity resulting from the long legacy of slavery in the Niger. At the same time, what seems to be endorsement of relationships of patronage by people of slave descent themselves indicates a highly stratified society and disempowerment arising from the lack of alternative livelihoods.

75. In order to eradicate poverty, improve the living conditions of the population and promote a discrimination-free society, the Government adopted the Economic and Social Development Plan for 2012–2015. The Special Rapporteur notes the relevance of the Plan for the socioeconomic empowerment of vulnerable populations and remains interested in the evaluation of its impact, especially in relation to the issues connected to her mandate.

B. Customary law

76. Pursuant to article 171 of the Constitution, ratified international treaties take precedence over domestic legislation; however, in the country's legal regime of dualism, customary law tends to be applied and prevail over civil law. The Government has acknowledged that, with more people inclined toward customary law, since it is believed to better reflect the sociocultural realities of the country, the principle of equality among citizens recognized by the Constitution is being diluted.[41]

77. Customary law perpetuates discrimination and has resulted in former slaves and descendants of former slaves being denied the full and equal enjoyment of their human rights in violation of international law and domestic civil law. Especially negative is the impact of customary law on the human rights of women and girls, addressed further below.

78. Through Act No. 62-11 of 16 March 1962 (the Courts Act) and Law No. 2004-50 of 22 July 2004, the Government restricted the scope of the civil law by giving precedence to customary law in most personal status matters, for example those concerning marriage, divorce, direct descent, inheritance, settlement of assets and wills, and in relation to property ownership (CEDAW/C/NER/1-2). It is important to note, however, that the application of custom is supposed to be subordinate to respect for ratified international treaties, legislative provisions or fundamental rules relating to public order or the freedom of individuals.[42]

C. Gender-based discrimination and inequality

79. In addition to the existence of descent-based discrimination, the Niger continues to struggle with deep-rooted adverse cultural norms, customs and traditions that discriminate against women and girls and constitute serious obstacles to their full and free enjoyment of human rights (see CEDAW/C/NER/CO/2, para. 17).

80. Besides being most affected by poverty, women continue to be underrepresented in decision-making,[43] have limited access to the labour market and basic services, and are

[41] Niger, "Combined periodic report", para. 369.

[42] Article 63 of Law No. 2004-5.

[43] For example, access to the chieftaincy is possible only for men (Order No. 93-28, art. 7). To improve women's participation in political life, the Niger adopted the Quota Act (Law No. 2000-008 of 7 June 2000), which establishes that a minimum of 10 per cent of elected posts and 25 per cent of appointed posts are assigned to each gender. With the revision of the law, the percentage of elected posts was

disadvantaged in terms of access to land ownership and inheritance. Only 18.2 per cent of women are literate, compared with 42.8 per cent of men,[44] and the Niger dropped from 151st to 187th place in the gender inequality index in 2014.[45]

81. Notwithstanding the constitutionally guaranteed equality before the law (art. 10), in reality customary law that discriminates against women prevails. The authorities have been trying to address the persisting gender-based discrimination; in 1976 they drafted a Family Code that is still pending adoption owing to the resistance of some religious leaders and in 2008 a National Gender Policy was adopted.

82. Gender-based discrimination and inequality render women and girls increasingly vulnerable to contemporary forms of slavery, including child and forced marriage. Female slaves are exposed to additional hardship, including sexual violence by the masters, and girls of slave descent are the main victims of the *wahaya* practice.

D. Weak child protection system and unequal access to education

83. Children represent more than half of the population of the Niger, and the country has the highest birth and fertility rates in the world.[46] In that context, widespread poverty, the lack of a strong child protection system, limited birth registration and access to basic social services, and the strong influence of customary law all contribute to violations of children's rights and the increased vulnerability of children to contemporary forms of slavery.

84. In the context of the Government's commitment to addressing the weaknesses in the child protection system, the Special Rapporteur was informed about its systemic approach to unifying all actions concerning children. She welcomes the adoption in 2013 of a Government policy on child protection, but notes the challenges to setting up the national-level coordination mechanism. The Government is also developing a national programme on child protection that would restructure social services to ensure a presence in all 63 departments, but is faced with a lack of human and financial resources. The children's code, by which the Government intends to bring legislation into line with the Convention on the Rights of the Child, is still pending adoption.

85. The Special Rapporteur notes the establishment, by the Ministry of Justice and the Ministry of Population, Advancement of Women and Protection of Children, of 34 centres, known as SEJUPs,[47] meant to provide support to vulnerable children. Although SEJUPs are a commendable initiative, their number and human resources, including in terms of specialized skills, seem to be insufficient and they are said to be more adapted to children in conflict with the law.[48]

86. While the Special Rapporteur was informed of campaigns to improve birth registration, rates remain low, at 31.8 per cent for the 2005–2012 period, with a large discrepancy between rural and urban areas,[49] falling short of the obligations set out in article 7 (1) of the Convention on the Rights of the Child.

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raised to 15.

[44] Figures for 2011 (National Statistics Institute, "Le Niger en chiffres").

[45] See http://hdr.undp.org/en/content/table-4-gender-inequality-index.

[46] About 50 births/1,000 people (2013, see http://data.worldbank.org/indicator/SP.DYN.CBRT.IN) and 7.6 children per woman (2013, see http://data.worldbank.org/indicator/SP.DYN.TFRT.IN/countries).

[47] Services éducatifs, judiciaires, et préventifs.

[48] Niger and the United Nations Children's Fund (UNICEF) Niger, "Analyse de la situation des enfants et des femmes du Niger selon une approche basée sur l'équité et les droits humains" (2013), p. 74.

[49] About 70.7 per cent in urban areas and 24.7 per cent in rural areas (UNICEF, "At a glance: Niger").

87. In the Niger, education is recognized as a right to be guaranteed by the State to children between the ages of 4 and 18, without distinction as to age, sex, social, racial and ethnic origin or religious belief.[50] Six years of primary education are tuition-free.

88. The Government of the Niger has taken important measures to ensure the right to education, including the adoption of the 10-Year Education Development Programme 2003–2013 and the Sectoral Education and Training Programme 2014–2024, which are designed, inter alia, to promote the schooling of young girls at the primary level and income-generating activities for parents.

89. Despite those initiatives, investments in school infrastructure and teacher training, the reduction of school fees and the establishment of canteens in alternative rural, previously called nomadic, schools, access to education remains unequal and the education quality in public schools continues to be poor.

90. Girls, children from rural areas in the regions of Diffa, Zinder, Tillabéry and Tahoua and children from poor families are most disadvantaged in terms of access to education.[51] Girls in particular are less likely to go to school and more likely to drop out,[52] owing to traditional beliefs and customs. It was brought to the Special Rapporteur's attention that the access of rural children, especially girls, to secondary education is especially problematic because of the long distances and associated costs (for example of accommodation).

91. Education plays a key role in emancipating former slaves and their descendants, combating their social exclusion, marginalization and discrimination and ending slavery and slavery-like practices. Low education levels and high levels of illiteracy perpetuate the cycle of poverty and contribute to the continuation of slavery and related practices.

92. Acknowledging that education is an important factor in breaking the cycle of slavery, Timidria and Anti-Slavery International have, since 2007, been implementing a project consisting of six community schools aimed at securing schooling for children in villages of people of slave descent in Tchintabaraden, in the Tahoua region, who previously had limited or no possibility to attend schools owing to their social origin. The project, in which the organizations combine education with public awareness-raising activities and socioeconomic empowerment, has helped to combat child marriage and child labour and to free former slaves and descendants of slaves from their ties to their former masters.

E. Weak law enforcement

93. Despite the existing legislative framework criminalizing slavery, the number of prosecutions under articles 270.1 to 270.5 of the Criminal Code has been very limited. In the absence of centralized data and statistics on convictions, the Special Rapporteur was not able to extract such information, although her interlocutors indicated that there had been very few cases. Timidria reported on eight concluded or pending trials for the crime or offence of slavery.

Available from www.unicef.org/infobycountry/niger_statistics.html).

[50] Law No. 98-12 of 1 June 1998 on the Niger Education System Policy, as amended and supplemented by Law No. 2007-24 of 3 July 2007.

[51] Niger and UNICEF, "Analyse", p. 12.

[52] For the school year 2012/13 there was 82 per cent overall enrolment in primary schools (74.7 per cent for girls and 89.5 per cent for boys), with much lower enrolment rates at the level of the first cycle of secondary education (21.2 per cent overall, 17.9 per cent for girls and 24.8 per cent for boys) and the second cycle of secondary education (5.5 per cent overall, 3.5 per cent for girls and 7.3 per cent for boys). See National Statistics Institute, "Le Niger en chiffres".

94. In some instances, the prosecutor alleged that a violation of article 102 of the Criminal Code, declaring any act of racial or ethnic discrimination punishable by law, had occurred along with the crime or offence of slavery. In other cases, such as that of Ms. Koraou, trials have been delayed and the courts have applied customary rather than civil law.

95. While a comprehensive analysis is needed of the reasons for the limited number of prosecutions, the Special Rapporteur notes that the prosecutorial and judicial authorities and law enforcement officials seem to sometimes lack the necessary expertise on the existing anti-slavery legislation. There also appears to be reluctance on the part of victims to report crimes of slavery, owing to, among other things, fear of retaliation or victimization; lack of awareness of their rights, including due to illiteracy; limited access to legal aid; lack of alternative livelihoods; inadequate victim support; and absence of trust in law enforcement.

VIII. Conclusion and recommendations

96. **The Special Rapporteur acknowledges the steps taken by the Government of the Niger to combat contemporary forms of slavery. In particular, the criminalization of slavery and establishment of substantial penalties for violations is a significant advance in the legal protection afforded to victims. The Special Rapporteur was encouraged by the constructive dialogue with the authorities throughout her visit and the clear political will that exists to eradicate slavery and the root causes perpetuating slavery and slavery-like practices.**

97. **In order to assist those efforts, the Special Rapporteur addresses the following recommendations to the Government, the international community and businesses, and is committed to continued engagement with regard to their follow-up, including in terms of a possible consultative meeting on the findings of her report.**

A. Recommendations to the Government

Streamlining and mainstreaming the efforts to eradicate slavery

98. **The Special Rapporteur notes that efforts to combat slavery and slavery-like practices could benefit from a more comprehensive approach that moves away from the existing fragmentation where various initiatives exist without sufficient coordination of activities. She recommends that the Government:**

(a) Conduct a comprehensive nationwide study on the prevalence of slavery and slavery-like practices, identifying the causes and consequences, the protection and assistance required by victims and possible reparations. This should be done in cooperation with, and with the support of, relevant national and international stakeholders, including NGOs working on slavery and the donor community;

(b) On the basis of the results of the study and regular collection and analysis of disaggregated statistical data on slavery, while duly respecting data protection and privacy, develop a national strategy and an action plan aimed at eradicating all forms of slavery, slavery-like practices and descent-based discrimination through a broad, inclusive and participatory approach including all actors working in the field. The activities in the action plan should also draw from the recommendations contained in the present report and relevant existing action plans, and the plan should contain express reference to clearly defined, realistic time frames, implementing partners and funding needs;

(c) Improve coordination among stakeholders working on the issues relevant for the mandate and streamline the anti-slavery activities by creating an adequately funded high-level multi-stakeholder coordination mechanism, ideally attached to the President's or the Prime Minister's Office, tasked with monitoring the implementation of the strategy and the action plan and their periodic review; enforcing the legislation, programmes, plans and policies aimed at eradicating slavery and tackling its root causes; and reflecting the specific situation of slaves, former slaves and their descendants in all relevant Government programmes and policies, including those addressing the root causes of slavery, in order to ensure the full enjoyment of their human rights;

(d) Conduct an assessment of whether the coordination, monitoring, enforcement and mainstreaming function could be executed by the National Commission for the Coordination of the Fight against Trafficking in Persons if the necessary legislative changes were made, including in terms of extending its mandate to include all forms of slavery and slavery-like practices.

Legislative amendments

99. In terms of strengthening the legislative framework, the Special Rapporteur urges the Government to focus on the following measures:

(a) Criminalize all slavery-like practices, including by incorporating into the Criminal Code the entirety of institutions and practices similar to slavery described in the Supplementary Convention;

(b) Amend article 102 of the Criminal Code by adding an explicit reference to the prohibition of descent-based discrimination in line with general recommendation No. 29 of the Committee on the Elimination of Racial Discrimination;

(c) Enact legislation on domestic work and penalties for violations of the rights of domestic workers, in line with the ILO Domestic Workers Convention, 2011 (No. 189), the ratification of which is strongly encouraged, and criminalize domestic servitude;

(d) Adopt the regulatory part of the Labour Code at the earliest;

(e) Withdraw all reservations to international human rights instruments and adopt the legislative changes necessary to address the persisting discrepancy between the national and international legal frameworks, including in relation to raising the minimum age for hazardous labour and minimum marriageable age for girls;

(f) Adopt the legislative amendments necessary to ensure that the operationalization and activities of the National Agency for Combating Trafficking in Persons at the regional, departmental and community levels benefit all victims of slavery and slavery-like practices.

Access to justice and law enforcement

100. In order to address the law enforcement challenges and the question of access to justice for victims of slavery and slavery-like practices, the Special Rapporteur recommends that the Government:

(a) Undertake a comprehensive analysis of the reasons for the limited number of prosecutions;

(b) Ensure effective access to justice for victims of slavery, slavery-like practices and former slaves by providing them with increased support to bring their cases forward, including high-quality and specialized free legal assistance and victim and witness support services;

(c) Expedite the passing of the decree establishing the special compensation fund for victims, guarantee its adequate resourcing and extend the pool of its beneficiaries to those trapped in all forms of slavery and slavery-like practices in order for them to be ensured the right of access to an effective remedy;

(d) Include modules on anti-slavery legislation in the curricula of judicial, prosecution and front-line officials, including police, gendarmerie, social workers and labour inspectors, using the already available compendium of relevant international, regional and national standards on slavery and slavery-like practices assembled by RDM Tanafili with the support of the Office of the United Nations High Commissioner for Human Rights;

(e) Provide for continued specialized training of law enforcement officials and prosecutorial and judicial authorities on the anti-slavery legislation, and issue orders to ensure proper detection and identification of victims, prompt and effective investigation and prosecution and punishment of perpetrators;

(f) Consider developing indicators for the existence of slavery and slavery-like practices to assist front-line officials in victim detection and identification, including on the specific vulnerabilities of children to contemporary forms of slavery, especially those in street situations;

(g) Guarantee that the international human rights norms and standards applicable in the Niger are always upheld by the judiciary;

(h) Establish a database of initiated, pending and concluded trials in slavery cases at the level of all courts and introduce a section on those in the chapter on justice in the Statistical Yearbook in order to facilitate the sharing of information and jurisprudence;

(i) Expedite the strengthening of the labour inspection system by extending its presence beyond the regional level and providing the labour inspectors with sufficient financial, human and material resources to be able to conduct inspections effectively, including in the informal sector and other sectors where allegations of forced labour and worst forms of child labour are prevalent;

(j) Collect statistics of the number of cases of forced labour and worst forms of child labour detected and investigated by labour inspectors and their follow-up in terms of referral to courts;

(k) Address as a matter of urgency the cases of forced child begging, including by prosecuting marabouts who exploit children in this manner and further regulating Koranic schools in order to prevent this from occurring.

Protection of victims' rights and empowerment of victims

101. The Special Rapporteur emphasizes that increased prosecution efforts should be accompanied by measures to prevent slavery and to protect and rehabilitate victims. In that regard, special attention should be placed on guaranteeing the rights of women and girls, above all those from the communities of former slaves and their descendants, who face multiple forms of discrimination. The Special Rapporteur notes the key role that national and international NGOs have played in terms of

empowering victims and urges the Government to continue to cooperate with them. She calls on the Niger to:

(a) Adopt a formal referral and support system for victims of slavery and slavery-like practices, including in terms of safe shelter, family reunification and medical, psychological and other assistance, in cooperation with NGOs that are currently the main providers of different forms of support;

(b) Supplement the national strategy and the action plan with legally enshrined policies and programmes designed to rehabilitate victims, former slaves and descendants of slaves through socioeconomic empowerment and alternative livelihoods support, including education, vocational skills training, literacy courses, access to capital (microcredit), tools and basic social services, and assistance with income-generating activities, always taking into account the specific needs of women and children;

(c) Take normative action to ensure the protection of the housing, land and property rights of former slaves and their descendants, which are essential for their empowerment, including by guaranteeing their equal access to cultivable land and easing their access to pasture land by sinking wells;

(d) Instruct magistrates that in land and property dispute cases the payment of tithes is considered as an indication of a slavery-like practice (serfdom) and not an indicator that the land is owned by the receiving party;

(e) Ensure equal access to high-quality free public education for all children of compulsory school age, including former slaves and those of slave descent, and particularly girls, by, inter alia, allocating sufficient budget for adequate school infrastructure, meals in schools and proper teacher training and by raising awareness among parents in areas with low school enrolment rates about the importance of education; in this regard, consider building on the positive results reaped through the project on community schools (see para. 92 above), including by replicating the model in other similar settings and integrating the existing community schools into the national school system, while ensuring the non-segregation of children of slave descent.

Awareness-raising

102. The Special Rapporteur emphasizes the need to address as a priority the deep-rooted discrimination against former slaves and their descendants and the customs and traditional and religious beliefs that discriminate against women and girls, and to continue raising awareness regarding the criminalization of slavery and slavery-like practices. To that end, the Special Rapporteur highlights the crucial role of:

(a) Sustainable nationwide awareness-raising campaigns on the criminalization of slavery and the legislation prohibiting contemporary forms of slavery, as well as the promotion and public availability of the latter in order for slavery and slavery-like practices to be prevented and denounced and for victims to be informed about their rights;

(b) Specialized seminars and training for NGOs, trade unions, traditional chiefs, religious leaders, representatives of local authorities and the media;

(c) Continued political leadership, including that of traditional chiefs and religious leaders, in denouncing slavery and slavery-like practices and promoting a culture of respect for human rights and the equality of women and men.

103. **The Special Rapporteur learned that Islam, the majority religion in the country, is often used to justify slavery and slavery-like practices. The religious leaders with whom the Special Rapporteur met acknowledged that Islam was indeed misinterpreted in that way, but emphasized that those practices were not supported in the Koran. In order to dispel the misperception of linkages between Islam and slavery, the Special Rapporteur calls for the relevant authorities to facilitate the elaboration and pronouncement of a fatwa by religious leaders, in collaboration with relevant stakeholders, declaring that slavery and slavery-like practices are forbidden under Islam.**

B. Recommendations to the international community

104. **The Special Rapporteur applauds the important role played by the international community in supporting the Government and other stakeholders in the Niger, including NGOs, in combating slavery and slavery-like practices. She emphasizes the need for this support to continue, including in terms of technical expertise, human rights awareness training and the funding of specific programmes and projects under the recommended action plan. She especially urges the international community to increase support for activities related to the protection and empowerment of victims, especially children, former slaves and persons of slave descent. She also strongly encourages the international community to mainstream anti-slavery efforts in its programmes.**

C. Recommendations to businesses

105. **Both local and international businesses operating in the Niger should respect internationally recognized human rights, at a minimum those set out in the International Bill of Human Rights and the ILO Declaration on Fundamental Principles and Rights at Work, undertake ongoing human rights due diligence and put in place processes to enable remediation for any negative human rights impact they cause or contribute to, in accordance with the Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework.**